

Committee: Development	Date: 2 nd July 2008.	Classification: Unrestricted	Agenda Item Number: 7.1
----------------------------------	--	--	-----------------------------------

Report of: Interim Corporate Director of Development and Renewal	Title: Applications for planning permission, conservation area consent and listed building consent
Case Officer: Benson B. Olaseni	Ref No: PA/07/3286, PA/07/3287 and PA/07/3288
	Ward: St Dunstan's and Stepney Green

1. **APPLICATIONS DETAILS**

Location: Site adjacent to 373, Commercial Road, London, E1.

Existing Use: Vacant nightclub building adjoining listed buildings

Proposals: **A.** PA/07/3286 Application for Planning Permission comprising of:

Demolition of a vacant single-storey nightclub building adjacent to the George Tavern (PH) and re-development of site by erection of a five-storey building to provide commercial use (Class B1 Use) at ground floor and 11 flats consisting of 6 x 1 bedroom flats and 5 x 2 bedroom flats on the upper floors with cycles and domestic refuse provision. (The proposed 11 flats development scheme would comprise 100% affordable housing units).

B. PA/07/3287 Application for Conservation Area Consent for:

Demolition of a vacant single-storey nightclub building attached to the listed George Tavern Public House and 2a Aylward Street listed building within Commercial Road Conservation Area.

C. PA/07/3288 Application for Listed Building Consent for:

External alterations and refurbishment works to the eastern flank wall of the George Tavern (PH) and works to rear building adjoining Aylward Street including the erection of a new party wall to facilitate the demolition of a vacant single-storey Stepney's Nightclub building and erection of a five-storey mixed-use building to provide commercial and residential uses.

Drawing Numbers

PL 50 – Site Plan, PL51 – Existing Plan Level 1, PL 52 – Existing Plan Level 2, PL 53 – Existing Plan Level 3, PL 54 – Existing Basement Level, PL 55 –

Existing Elevations, PL 56 – Existing Flank Wall & Sections, PL 57 – Existing Level 1 Proposed Demolition, PL 58 – Existing Level 2 Proposed Demolition, PL 59 – Existing Demolition Elevations, PL 60A – Proposed Plan Level 1, PL 61A – Proposed Plan Levels 2, 3 & 4, PL 62A – Proposed Plan Level 5, PL 63 – Proposed Elevation to Commercial Road, PL 64 – Proposed Elevation to Aylward Street, PL 65 – Proposed Elevation to Jubilee Street, PL 66 – Proposed Elevation to Exmouth Estate, PL 67 – Section to light well and flank wall of (PH) and PL 68 – Existing Site Survey.

Documents: Design and Access Statement by Baily Garner, dated December 2007, number. 21088, Environment Noise Report by BRE, dated 19th February 2008, number 242801 plus Glazing Specifications dated 12th March 2008 reference 7109-242801, Daylighting and Sunlighting Report by Calford Seaden dated February 2008, reference K/08/00741/C7/0004 PSD/hmt and Refuse Strategy with Appendix A3 size sketch by Baily Garner dated 5th March 2008.

Applicant: SWAN HOUSING ASSOCIATION
Ownership: The Applicant
Historic Building: Grade 2 Listed
Conservation Area: Commercial Road

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The Local Planning Authority has considered the particular circumstances of these applications against the Council's saved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (UDP), the Council's Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- 2.1. **A.** Application for Planning Permission is contrary to above policies for the following reasons:
1. The height and scale of the proposed building at five-storeys appears over dominant and out of scale with the adjoining Grade 2 listed buildings when viewed from the rear, As such the proposal is contrary to saved policy DEV1 (1) and DEV37 of the London Borough of Tower Hamlets (1998) Unitary Development Plan and DEV2 and CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure new developments are designed to take account, be sensitive in terms of design, bulk, scale and respect the local character and setting of adjacent listed buildings.
 2. The adjoining beer garden along Aylward Street currently in use is considered to be incompatible with the proposed residential scheme given its proximity. The beer garden use would result in unacceptable noise nuisance to future occupiers of the proposed scheme. . As such, the proposal is contrary to Saved Policy DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure, protect and improve the amenity of surrounding existing and future residents and building occupants of the Borough from unacceptable level of noise nuisances.

3. The proposed five– storey building would result in an unacceptable increased sense of enclosure to the occupiers of upper floors of the George Tavern Public House at 373 Commercial Road, by reason of bulk, scale and proximity contrary to saved Policies DEV1 and DEV2 of the Unitary Development Plan and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to prevent over-development of sites and development that causes demonstrable harm to the amenity of neighbours.
4. The proposed five–storey building would result in a material loss of daylight to the occupiers of the George Tavern at 1st and 2nd floor level by reason of the height and proximity of the development to these rear windows of adjoining building at 373 Commercial Road. As such, the proposal is contrary to the Unitary Development Plan (UDP) Saved Policies DEV2 (2), and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to safeguard and ensure that neighbouring buildings are not adversely affected by loss of daylight or the deterioration of daylighting and sunlighting conditions.
5. The proposed housing mix, at 55% one bedroom (6 units), 45% two bedroom flats (5 units) does not accord with the housing types and sizes identified to meet local needs, which require 45% family size accommodation (three bedroom units and above). The proposal is thus contrary to Saved Policy HSG7 of the Tower Hamlets Unitary Development Plan (1998) and Policy CP21 and Policy HSG2 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.
6. The proposed development by reason of insufficient access to daylight would result in the creation of sub-standard residential accommodation, specifically the bedrooms in the eastern wing of the development to the detriment of the residential amenity and quality of life of future occupiers of those flats. As such, the proposal is contrary to Saved Policy DEV2 (2) of the Unitary Development Plan 1998 and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.
7. The submitted domestic refuse strategy including servicing arrangements would create an obstruction to traffic and impede on the smooth operation of the London Buses contrary to UDP policy T16 operational requirements for proposed use, policies DEV15 and DEV17 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all development proposals includes adequate space for servicing and appropriate collection arrangements.
8. The proposed scheme provides an inadequate amount of private open space for use by the proposed residential flats, to the detriment of the amenity of the prospective occupiers. It is therefore, considered that the proposal is contrary to the Saved Policy HSG16 of the Unitary development Plan 1988, policies CP25 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all new developments provides high quality an adequate provision of usable amenity space for future occupiers/residents,

2.2 **B.** Application for Conservation Area Consent is contrary to above policies for the following reasons:

1. The detailed plans submitted with PA/07/3286 for the re-development of the application site are unacceptable and there is no planning permission for the re-development of the site. As such the demolition of the Stepney's Nightclub building is contrary to the advice given in Planning Policy Guidance Note "Planning and Historic Environment". Paragraph 4.27 of PPG15 advises that consent for demolition should not be given unless there are acceptable and detailed plans for any re-development.
 2. Demolition of the Stepney's Nightclub building in the absence of an approved scheme for redevelopment would fail to preserve or enhance the character and appearance of the Commercial Road Conservation Area contrary to the Saved Policy DEV28 of the Unitary development Plan 1988, policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to ensure that the setting and the character of Conservation Areas is not harmed by inappropriate demolition of buildings in the Borough.
- 2.3 **C.** Application for Listed Building Consent is also contrary to above policies for the following reasons:
1. The proposed external alterations and refurbishment works to the adjoining Grade 2 listed buildings as detailed in the submitted Design and Access Statement, including removal of the chimney breasts, the blocking-up of doors and windows, the loss of original windows openings at the George Tavern and at no.2 Aylward Street rear property all involve irreversible work to the original external and interior fabric of the Listed Buildings. As such, these works are contrary to save policy DEV 37 of the Unitary Development Plan 1998, policy CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to preserve the special architectural or historic interest of listed buildings, and where appropriate, alterations should endeavour to retain the original plan form, and retain and repair original external and internal architectural features.

3. **RECOMMENDATION**

- 3.1 That the Committee resolve to **REFUSE** the following applications:-
- A. PA/07/3286 Application for Planning Permission;
 - B. PA/07/3287 Application for Conservation Area Consent; and
 - C. PA/07/3288 Application for Listed Building Consent for the reasons outlined in Section 2 of the report.

4. **PROPOSAL AND LOCATION DETAILS**

Proposal

- 4.1 Three applications are being reported to Members of the Development Committee for consideration.
- 4.2 **A. (PA/07/3286)** - Application for planning permission comprising of the demolition of a vacant single-storey nightclub (Stepney's Nightclub) building adjacent to the George Tavern (PH) and re-development of site by erection of a five-storey building to provide commercial use (Class B1 Use) at ground floor and 11 flats consisting of 6 x 1 bedroom flats and 5 x 2 bedroom flats on the upper floors with cycles and domestic refuse provision.
- 4.3 The ground floor will consist of 142sq.m of B1 office space, bicycles and refuse storage

facilities including lift provision.

- 4.4 The proposed 11 flats development scheme would comprise 100% affordable housing units, on the upper floors (levels 2, 3 and 4) as shown on drawing number PL61 A.
- 4.5 **B. (PA/07/3287)** - Application for conservation area consent for the demolition of a vacant single-storey nightclub building attached to the listed George Tavern Public House and 2a Aylward Street within the Commercial Road Conservation Area.
- 4.6 **C. (PA/07/3288)** - Application for listed building consent for external alterations and refurbishment works to the eastern flank wall of the George Tavern (PH) and works to rear building adjoining Aylward Street including the erection of a new party wall to facilitate the demolition of a vacant single-storey Stepney's Nightclub building and erection of a five-storey mixed-use building to provide commercial and residential uses.
- 4.7 Summary of the proposed alterations and refurbishment works to the two listed buildings adjoining the application site are listed and analysed in the proposed alterations works and development impact on listed buildings section of this report.

Site and Surroundings

- 4.8 The application site is located within the designated Commercial Road Conservation Area.
- 4.9 The application site area measures some 258sq.metres approximately and comprises a vacant single storey building known locally as Stepney's Nightclub. The site itself is located on the north side of Commercial Road and to the east by Exmouth Housing Estate open space. A vacant two-storey listed building no. 2a Aylward Street previously in workshop use is at the rear of the application site fronting Aylward Street and to the west, the site is bounded by the flank wall elevation of the George Tavern (PH), a three storey listed building currently in use as a public house with a live music licence.
- 4.10 The application site is within the curtilage of two listed buildings namely the George Tavern and the building at no. 2a Aylward Street, E1. All these properties abut each other within the designated Commercial Road Conservation Area. Given this reasons, a separate conservation consent application (PA/07/3287) and listed building consent application (PA/07/3288) have been submitted to facilitate this planning application proposal.
- 4.11 The site is well served by public transport and has a mid-range public transport accessibility level (PTAL) of 3. This figure is between poor 1a and 6b excellent accessibility rating.

Planning History

- 4.12 The applicant has submitted a number of historical photographs which show how the surrounding street context of the George Tavern Public House has changed over the years. The photographic evidence shows the street pattern of mid 1970's when there were three-storey period terraced shops building immediately to the east of the George Tavern. The three-storey shop building was subsequently demolished and replaced in the mid 1980's by the current single-storey Stepney's Nightclub building – the application site for demolition.
- 4.13 There is photographic evidence also of the application site as a vacant site, following the demolition of the three-storey period shops terraced building in 1974.
- 4.14 However, in the mid 1980's, the George Tavern PH, 2a Aylward Street and Stepney Nightclub properties collectively used to be owned by a single owner.

- 4.15 The following planning decisions are relevant to the application:
- 4.16 There are no specific or relevant planning decisions solely for the current application site. However, from the 1990's onwards, the following planning, listed and conservation approvals have been granted for the whole of the site known as 373 Commercial Road, E1.
- 4.17 PA/98/00797 (Granted on 30th July 2001) Demolition of existing discotheque building adjacent to the George Tavern PH and erection of three storey extension plus mansard for 14 flats consisting of 2 x 2 bedrooms flats, 12 x 1 bedroom flats with a ground floor restaurant plus associated car parking. **(Planning Application Proposal).**
- 4.18 PA/98/00798 (Consent granted 30th July 2001) Demolition of extension to the George Tavern (PH) and erection of 3 storey building with mansard containing 14 flats and a ground floor restaurant plus associated car parking. **(Conservation Consent Application).**
- 4.19 PA/02/1628 (Withdrawn 1st May 2003 incomplete Section 106 agreement). Demolition of a single storey (Stepney's Night Club) building and erection of a four storey building containing 16 flats, with refuse and bicycle storage area. Conversion of first, second and third floors of George Tavern Public House to form 4 flats, and ground floor to remain as a bar. **(Planning Application Proposal).**
- 4.20 PA/02/1629 (Withdrawn on 1st May 2003). Demolition of a single storey (Stepney's Night Club) building and alterations to George Tavern Public House in connection with the provision of 20 flats. **(Listed Building Consent).**
- 4.21 PA/07/14 (Withdrawn on 20/2/2007). Demolition of existing nightclub to facilitate the construction of a five storey building to provide 14 affordable housing units, 9 x 1 bedroom and 5 x 2 bedroom flats for rental and shared ownership. **(Planning Application Proposal).**
- 4.22 PA/07/15 (Withdrawn on 20/2/2007). Demolition of existing nightclub to facilitate the construction of a five storey building to provide 14 affordable housing units, 9 x 1 bedroom and 5 x 2 bedroom flats for rental and shared ownership. **(Listed Building Consent).**

5. POLICY FRAMEWORK

5.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-

- London Borough of Tower Hamlets Unitary Development Plan (1998 - Saved UDP Policies) and Supplementary Planning Guidance;
- Interim Planning Guidance: LBTH Core Strategy and Development Control Plan (October 2007);
- London Plan (February 2008) and Supplementary Planning Guidance ;
- Adopted LBTH Community Plan.

5.2 The Council sought to adopt the Local Development Framework (LDF) as interim planning guidance, following the withdrawal of the LDF (Core Strategy from submission).

The LDF was withdrawn on 4th October 2007.

Following this, the status of the Interim Planning Guidance (IPG) is outlined below.

The Core Strategy and Development Control Plan comprise Interim Planning Guidance for the purposes of development control in Tower Hamlets. This document has been developed to be consistent with national and regional planning policy, including the London Plan, and provides a mechanism for implementing this guidance at a local level. The Core Strategy and Development Control Plan provides policies which seek to respond to identified local needs, issues and opportunities.

This document has been subject to extensive public consultation and a sustainability appraisal.

Therefore, the Interim Planning Guidance October 2007 Policies CP22 Affordable Housing and HSG2 Housing Mix are material considerations with regard to the current PA/07/3286 planning proposal.

5.3 Unitary Development Plan (UDP as saved September 2007).

Saved UDP Policies.

- DEV1 – Design Requirements.
- DEV2 – Environmental Requirements.
- DEV3 – Mixed Use Development.
- DEV28 – Demolition of Buildings in Conservation Areas.
- DEV37 – Alterations to Listed Buildings.
- DEV51 – Contaminated Land.
- EMP1 – Encouraging New Employment Uses.
- HSG7 – Dwelling Mix.
- HSG16 – Amenity Space.
- T16 – Traffic impact of development proposals.

5.4 Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) document.

Relevant Core Strategy Policies.

- CP1 – Creating Sustainable Communities.
- CP3 – Sustainable Environment.
- CP4 – Good Design.
- CP19 – New Housing Provision.
- CP20 – Sustainable Residential Density.
- CP21 – Dwelling Mix and Type.
- CP22 – Affordable Housing.
- CP25 – Housing Amenity Space.
- CP40 – A Sustainable Transport Network.
- CP49 – Listed Buildings Protection.

Relevant Development Control Policies.

- DEV1 – Amenity.
- DEV2 – Character and Design.
- DEV3 – Accessibility and Inclusive Design.
- DEV5 – Sustainable Design.
- DEV10 – Disturbance from Noise Pollution.
- DEV12 – Management of Demolition and Construction.
- DEV15 – Provision of Storage and Waste Collections.
- DEV17 – Transport Assessments.

HSG2 – Housing Mix.
HSG3 – Affordable Housing.
HSG7 – Housing Amenity Space.
HSG10 – Calculating Provision of Affordable Housing.
CON1 – Listed Buildings.
CON2 – Conservation Area.

5.5 **Supplementary Planning Guidance/Documents**

Designing Out Crime.

5.6 **Government Planning Policy Guidance/Statements.**

PPS1 – Delivering Sustainable Development.
PPS3 – Housing.
PPG13 – Transport.
PPG15 – Planning and the Historic Environment.
PPG24 – Planning and Noise.

5.7 **Community Plan.**

The following Community Plan Objectives relates to the application.
A better place for living safety;
A better place for living well;
A better place for creating and sharing prosperity;
A better place for learning, achievement and leisure and;
A better place for excellent public services.

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application. There responses are summarised below:

LBTH Highways

6.3 The subject site is shown to be in an area with a PTAL accessibility rating of 3 which is considered to be moderate. Therefore the proposal should be subject to a car free legal agreement.

6.4 Cycle storage provided should be secure at 1 stand per 250sqm with a minimum requirement of two stands.

6.5 No objection to the collection of refuse from Commercial Road provided that Transport for London (TfL) has no objection to the proposed servicing arrangements.

6.6 OFFICER COMMENT: It is considered that the lack of car-parking on site is acceptable, subject to the scheme being car-free. The applicant's agent has confirmed his client's acceptance of this restriction subject to planning approval. With regard to refuse provision, servicing and collection arrangements, TfL objected to the proposed arrangements and this matter is discussed in more detail under the highway safety, servicing and refuse provision section of this report at paragraphs 8.39 to 8.47.

TRANSPORT FOR LONDON (TfL)

- 6.7 With regards to the servicing issue of the proposed site, TfL Directorate of Road Network Development (DRND) did not support the proposed servicing arrangement for the mix-use scheme and offers the following comments:
- 6.8 TfL DRND considers that the proposed refuse collection would create an obstruction to traffic and a potential danger to all road users. In addition, it is considered that the alternative proposal of undertaking refuse collection at the bus stop nearby would impede the smooth operation of London Buses and cause disruption to bus passengers.
- 6.9 With regards to the issue of extending the current situation of undertaking refuse collection on Commercial Road, TfL considers this would only be allowed where impacts to the TLRN would be minimal, however this is not the case for this site. It must also be noted that some of the existing properties have no other means of servicing access apart from having their refuse collection be undertaken at their Commercial Road frontage, which is however not desirable. Therefore TfL considers that the proposed development should be designed to ensure that adverse impacts be minimised, and not to intensify the existing situation.
- 6.10 Therefore TfL requests that all servicing (includes refuse collection) for the proposed development be undertaken away from the Transport for London Road Network (TLRN).
- 6.11 In conclusion, TfL is not in a position to **support** the proposal in its current form until a acceptable strategy which allow servicing to take place away from the TLRN be developed and approved by TfL.
- 6.12 OFFICER COMMENT: The submitted refuse strategy arrangement including provision, servicing and collection of refuse from the application site is addressed in more detail under the highway safety, servicing and refuse provision section of this report.

LBTH Licensing

- 6.13 No objections received.

LBTH Crime Prevention Officer

- 6.14 Concerned about noise leading to anti-social behaviour and ensuring that anti-theft measures are included in the design.
- 6.15 OFFICER COMMENT: The matters raised above have been addressed in more detail under the security and safety section of this report. A planning condition to address these matters is considered appropriate should members be minded to approve the proposal.

LBTH Environmental Health

- 6.16 **Noise:**
EH's review of the applicants noise survey report shows that it is deficient in identifying all the relevant noise sources so that development complies with British Standard criteria
- 6.17 **Daylight:**
During a site visit/meeting with the agent, a 45 degree line drawing in relation to existing/proposed, this has not been provided. The Eastern wing of the proposed scheme has no opening and the addition of balconies with enclosed walls will result in sub-standard accommodation. It appears that the applicant's daylight and sunlight report which

recommends additional windows, have not been incorporated into the scheme.

6.18 Sunlight:

Observation of drawing no:PL/61 and the D/S report shows that at Level 2, there is impact on the habitable rooms of pub windows at 1st/2nd floor (George Tavern), and the kitchen on the 1st floor of the proposed scheme.

6.19 In conclusion, with this type of application, it is normal practice to provide VSC/ADF for the habitable rooms on the proposed scheme to ascertain the likely impact from the George Tavern. This has not been addressed.

6.20 Environmental Health Officer is not able to recommend planning permission in this format.

6.21 OFFICER COMMENT: On 25th April 2008, the applicant's agent provided further information regarding glazing specification for consideration. This matter is discussed in full and in more details under the amenity, daylighting and sunlighting section of this report.

LBTH Housing

6.22 No objections was raised in principle with the submitted mix-use proposal and dwelling mix of 6 x 1 bed and 5 x 2 beds subject to an agreement to make up the shortfall of non-family housing provision on this site with additional family accommodation on the adjacent site, over and above the requirement for family accommodation normally arising on that site.

6.23 OFFICER COMMENT: The above comments by Housing Officers are based on the pre-application discussions between the applicant and the Council's social housing officers prior to the submission of this application. The housing issues raised are discussed in full and in more details under the housing mix and affordable housing section of this report.

6.24 The planning development control section can only take the shortfall of the non-provision of family housing on application site into account, if a sufficiently detailed proposal is included as part of the current planning application, which has not been provided for consideration.

7. LOCAL REPRESENTATION

7.1 A total of 252 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and Site Notices placed on site. The number of representations received from neighbours and local groups in response to notification and publicity of the applications were as follows:

No of individual responses:	119	Objecting:	112	Supporting:	3
No of petitions received:	3	objecting containing	463	signatories	
		1 supporting containing	57	signatories	

7.2 The owner of George Tavern PH has set up a web-site specifically to campaign for the retention of the public house. The web-site invited viewers to forward a pro-forma mail of "Save the George Tavern" to the Council including objecting to the re-development of the adjoining site – the application site.

7.3 The current and on-going campaign has attracted and continued to attract the support of personalities from the world of the media. The campaign has also been written up and supported by many national newspapers.

7.4 As a result of the "Save the George Tavern" web-site campaign, significant objections have

been received on behalf of owner the George Tavern PH. These objections have been received in the forms of letters and pro-forma electronic mail. In total 112 objections have been received, 18 in a letter format (16%) and the rest with e-mailed addresses.

7.5 The following local groups/societies made representations:

- The Exmouth Estate Residents' Board; and
- Sidney Estates Tenants and Residents Association.

7.6 The above local groups welcomed the proposal to demolish the single storey Stepney's Nightclub and the re-development of the site for commercial and residential uses. In support of the proposal, the above groups commented that when Stepney's Nightclub was in use, it created so many problems for the local residents within the surrounding area and since its closure; the building has become a derelict eyesore. The surrounding residents via the supporting petition have also stated that the area in general will benefit greatly if approval is granted for affordable home as the new building will contribute to a better environment in which to live.

7.7 The following issues were raised in representations that are material to the determination of these applications, and they are addressed in the next section of this report:

Land Use

- Incompatible neighbouring use;
- Proposed residential scheme adjacent to a public house with a live music licence is not appropriate;

Design Issues

- Adverse effect on the setting and appearance of the adjoining Great 2 listed buildings;
- Proposed development is incongruous and out of keeping in relation to its surrounding context;
- The height, bulk, scale and design quality will negatively impact upon the context of the surrounding area, including the character and setting of Commercial Road Conservation Area;
- The 19th century shops and houses which adjoined The George prior to the development of Stepney's Nightclub were on ground, first and second floors only;
- At levels 2, 3, 4 and 5 of the proposal, there are kitchen windows which look directly into a light well, no elevation plan or design statement to explain the new light well formation;
- No revised design statement following amendment and submission of revised drawings PL61A and PL62A;

Amenity

- Proposal would lead to negative impact on adjoining George Tavern PH amenity;
- Significant adverse effect on the natural light to the habitable windows on the eastern flank wall elevation of The George Tavern PH;
- Currently these windows received 360 degree of natural lighting;
- This important part of the George Tavern business is likely to be lost as a result of the current design of the proposed development;
- The proposed kitchen windows at each level on the west elevation of the new build appears to face directly into habitable upper bedrooms at The George Tavern; this arrangement would reduce and adversely impact on current occupier's privacy and amenity;
- The revised plan omitted where any extractor fan servicing the kitchens will have its outlets;
- The mitigation measures submitted to overcome noise generated from a public house

with a live music licence are insufficient to minimise the disturbance likely to be caused to future occupiers of the new residential development;

Other

- This development may undermine the long term viability of the George as pressure from new residents regarding noise and disturbance may result in its relocation or closure;
- The proposed residential use may affect the George licensing application to vary its opening hours in future;
- A refusal of licensing application in turn would affect the viability of the George as a commercial enterprise;

7.8 The following issues were raised in representations, but they are not material to the determination of these applications:

- Non planning representations centred around the community spirit of the George and personal experiences of the venue. Other representations concerned licensing issues, retention of the pub, party wall issues, and opportunities for local businesses

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

- Land Use;
- Housing Mix and Affordable Housing;
- The design/relationship of new build with adjoining listed buildings;
- The amount and quality of amenity space provision.
- Amenity
- Demolition in Conservation Area;
- Proposed alterations works and its impact on adjoining listed buildings;
- Highway Safety, Servicing and Refuse Provision;
- Security and Safety Design; and
- Other Planning Matters.

Land use.

8.2 The proposed scheme includes the demolition of an existing Stepney's Nightclub single-storey building on the site, to provide a mix-use commercial and residential accommodation.

8.3 The principle of re-developing the application site for mixed-use purposes is not considered to be in conflict with adopted Unitary Development Plan (UDP) policies. Paragraphs 4.12 to 4.22 of this report refers to the planning history of the application site and shows previous three-storey period terraced shops building on site prior to demolition plus unimplemented mixed-use schemes with planning permissions, conservation and listed building consents. Some of the approvals in principle were later withdrawn because of incomplete planning obligations by previous developers.

8.4 There is no presumption that the existing single-storey Stepney Nightclub building should be retained. It is however important that any replacement is of a high quality design that enhances the area. Such replacement building should be similar to the previous height, bulk, scale and design quality of the 19th century three-storey period terraced shops building which adjoined the George Tavern prior demolition. It is considered that a lower height building similar to three-storey immediately to the east of the George Tavern would have a positive impact upon the context of the surrounding area, including the character and setting of

Commercial Road Conservation Area.

- 8.5 It is recognised that the re-development of the application site is acceptable and long overdue. The demolition of existing single-storey building was first consented in principle in July 2001. Therefore a combination of office and residential uses as proposed is acceptable in principle and should be welcomed. It is in no-one's interest for the application site building to remain vacant, in its current boarded-up and neglected state provided its redevelopment conform to adopted and saved planning policies.
- 8.6 In line with previous approvals, the presence of 142sq.m of B1 office space on the ground floor of the proposed scheme would assist in providing employment opportunities whilst increasing commercial activity at street level. Therefore, the proposal satisfies the requirements of UDP saved policy EMP1 regarding criteria for the re-development of sites for employment uses. In addition, this commercial element would provide the opportunity for local people to establish business enterprises within this stretch of Commercial Road, E1.

Housing Mix and Affordable Housing.

- 8.7 The scheme is proposing a total of 11 flats consisting 6 x 1 beds and 5 x 2 beds, The development scheme would comprise 100% affordable housing provision.
- 8.8 Policy CP21 of the Interim Planning Guidance seeks all new housing developments to contribute to the creation of mixed communities by offering a range of housing choice including a mix of dwelling sizes, family housing and accessible homes.
- 8.9 Saved Policy HSG7 of the Unitary Development Plan (UDP) states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.
- 8.10 The Mayors Housing strategy and PPS 3 all support the need to provide a good housing mix in response to local housing needs surveys.
- 8.11 There is no family sized three-bedroom housing within the proposed scheme. The Council's Housing Needs survey has indicated that the application area (**St Dunstan's and Stepney Ward**) continues to have an acute shortage of family-sized housing. Therefore, the proposed dwelling mix and type (6 x1 and 5 x 2) flats do not provide family accommodation and contrary to the above development plan policies requirements.
- 8.12 It is therefore considered that the proposed residential mix should include family-size accommodation, since there is no practical reason why it could not be provided. Moreover, the provision of family units within the site will assist in improving and addressing the family dwellings shortages identified in the Council's Housing Need Survey.
- 8.13 In the absence of an agreement to make up the shortfall of the non-provision of family housing with this scheme elsewhere in the Borough, the proposal is considered to be contrary to the above policies which inter alia seek to ensure that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings to meet the Council's Housing Needs.

The design/relationship of new build with adjoining listed buildings.

- 8.14 The Council Design and Conservation team and a number of objectors consider that the proposal is unacceptable in terms of height, scale, massing and bulk and would result in an unacceptable impact upon the character and appearance of the adjoining listed buildings

including the setting of the Commercial Road conservation area. Furthermore, they consider that it would set an unacceptable precedent and relationship with the surrounding smaller scale listed buildings. While the proposed development will certainly be visible and prominent along Commercial Road, the rear height is considered not acceptable. The proposed five-storey building height in particular at the rear is considered to be excessive given its location and its relationship with no 373 Commercial Road.

- 8.15 The submitted scheme for the re-development of the application site in terms of design, its height at five-storey and its relationship with the adjacent listed buildings – The George Tavern public house (PH), is not sympathetic in planning terms. For example, the east elevation of the listed PH consists of windows and abuts the proposed building west facing. It is considered that the proximity and design of the west and north elevations of the proposed development, does not relate satisfactorily to the east of the adjoining listed buildings. The treatments of the elevations also need to be redesigned to overcome the daylight, sunlight and privacy objections raised by the occupiers of the public house.
- 8.16 In conclusion it is considered that the design of the scheme has not been considered in response to the character of the Conservation Area and its relationship with adjoining listed buildings. As such, it is considered that the proposal is contrary to UDP saved policy DEV1 and DEV37; and DEV2 of the Interim Planning Guidance. These policies require development to be sensitive to the development capabilities of the application site and not resulting in over-development. These policies also seek to ensure new developments are designed to take account and be sensitive in terms of design, bulk, and scale and respect the local character of the Commercial Road Conservation Area, and the setting of the adjoining listed buildings.

The amount and quality of amenity space provision.

- 8.17 Policies HSG16 of the UDP and Policy CP25 of the Interim Planning Guidance provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. Both HSG16 and CP25 reinforces the need to provide high quality and usable private external space fit for its intended user, to be an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents.
- 8.18 It is considered that the amount of amenity space and balconies provision with the application scheme is inadequate. Therefore, the proposal is contrary to save policy HSG16 in the UDP and Policy CP25 of the Interim Planning Guidance (October 2007), which requires that all new developments to provide high quality an adequate provision of useable amenity space for future occupiers.

Amenity – daylight and sunlight assessment/noise/overlooking and privacy

Daylight/sunlight assessment on adjoining George Tavern public house:

- 8.19 In assessing daylight test for a development, Building Research Establishment (BRE) guideline paragraph 2.2 states that comparison should be made between existing and proposed site.
- 8.20 The applicant has submitted a Daylight and Sunlight report which looked at the impact upon the daylight, sunlight and overshadowing implications of the proposal and on adjoining neighbouring properties, and to ensure the proposal is in accordance with the above BRE guidelines.

- 8.21 The daylight and sunlight report findings do not satisfy the BRE requirements for the following reasons:
- 8.22 The submitted drawing no: PL/61, together with the applicant's sunlight and daylight report shows that there is a detrimental impact on the habitable rooms of pub windows at 1st and 2nd floors of the George Tavern. The officer reinforced the need for a 45 degree line drawing in relation to existing building and proposed scheme. The officer also considered that with this type of application, it is normal practice to provide VSC/ADF calculations for the habitable rooms on the proposed scheme to ascertain the likely impact from the George Tavern. This has not been addressed by the applicant's agent following a request to do so.
- 8.23 On the eastern wing of the proposed scheme, the bedrooms at each level from 1st floor upwards are provided with balconies enclosed on both sides by 3 metres depth approximately. These provide the only source of light to those bedrooms. Given this layout arrangement including the non-provision of secondary window openings on the eastern elevation of the development, the proposal would result in a sub-standard level of residential accommodation.
- 8.24 On balance, the shortfall against BRE recommendations are material given that the both the application property and the adjoining George Tavern would not benefit from adequate natural light in accordance with the requirements of saved UDP policies DEV1 and DEV2, policies DEV1 and DEV2 of the Interim Planning Guidance (2007). Both policies seek to ensure a good standard of design and to safeguard and ensure that neighbouring buildings are not adversely affected by loss of daylight or the deterioration of their day lighting and sun lighting conditions.

Noise:

- 8.25 Environmental Health has raised the following concerns in response to an acoustic report submitted by the applicant (summarised).
- 8.26 Whilst the glazing specification and acoustic vents to mitigate Road traffic noise is acceptable, they consider that there is potential conflict between the pub use including existing beer garden in Aylward Street, and the amenity of future residential occupiers of the proposed building. Environmental Health does not consider that Building control regulations are sufficient to mitigate against the potential noise nuisance, particularly with regards loud music.
- 8.27 Moreover, during a recent site-visit (8th May 2008), it was identified that there are other noise sources that have not been taking into account by the submitted noise assessment. These are 6 condenser units and a beer chiller unit which are mounted on the roof of the application site. Environmental Health Officers have serious concern about the noise impact and nuisance that these units generates which has not been assessed in the submitted noise report nor its effects on the future proposed residents.

Overlooking and Privacy:

- 8.28 The distances between facing windows of upper floors habitable rooms at the rear of no 373 Commercial Road and the proposed new building measure some 4 metres approximately at levels 2 and 3 as shown on drawing number PL61A. This distance falls far short of the 18 metres required in UDP paragraph 4.9.

The result of the 4 metres unacceptable distances is that the proposal results in:

- an unacceptable sense of enclosure to the occupiers of no 373 Commercial Road by reason of the bulk, height and proximity of the proposal to rear upper floors habitable rooms.
- a material loss of light to the occupiers of no 373 Commercial Road by reason of the bulk, height and proximity of the proposal to rear upper floors habitable rooms, and
- an unacceptable degree of overlooking and loss of privacy to adjacent occupiers.

8.29 As such, this proposal is considered unacceptable in amenity terms and contrary to UDP saved policy DEV2, which seeks to protect residential amenity.

Demolition in Conservation Area.

8.30 Saved UDP policy DEV28 lists criteria against which demolition proposals will be considered, one of which is the suitability of any proposed building.

8.31 Policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007) resists demolition of buildings that contribute to the character and appearance of the Conservation Area. However where this is not the case, one relevant criterion against which applications will be assessed on is the merits of any alternative proposals for the site

8.32 In PPG15: Planning and the Historic Environment, the Government Guidance Note advises that the general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes little or no such contribution – the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any re-development of such sites.

8.33 It is considered that, there is no architectural merit to retain the existing single-storey Stepney Nightclub building. It is however important that the proposed replacement building should be of a high quality design that enhances the area. In this case, the replacement building should be similar to the previous height, bulk, scale and design quality of the 19th century three-storey period terraced shops which adjoined the George Tavern listed building, prior to the demolition of the 19th century building. It is considered that a lower height building similar to three-storey immediately to the east of the George Tavern would have a positive impact upon the context of the surrounding area, including the character and setting of Commercial Road Conservation Area.

8.34 Demolition of the Stepney's Nightclub building in the absence of an approved scheme for redevelopment would fail to preserve or enhance the character and appearance of the Commercial Road Conservation Area contrary to the Saved Policy DEV28 of the Unitary development Plan 1988, policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to ensure that the setting and the character of Conservation Areas is not harmed by inappropriate demolition of buildings in the Borough.

Proposed alterations works and its impact on adjoining listed buildings.

8.35 Saved UDP policy DEV37 states that proposals to alter listed buildings will be expected to preserve the special architectural or historic interest of the building, whilst policy CP49 of the Core Strategy and Development Control interim planning guidance 2007 reinforces the

above UDP policy DEV37 criteria with additional policy statement that the Council will protect and enhance the historic environment of the Borough, including the character and setting of Statutory listed buildings in the Borough.

- 8.36 In PPG15: Planning and the Historic Environment, the Government Guidance Note states that in judging the effect of any alteration or extension, it is essential to have assessed the elements that make up the special interest of the building in question. These elements are often just as important in simple vernacular and functional buildings as in grander architecture.
- 8.37 The George Tavern with no.2a Aylward Street was established in 1654, while present buildings are mid 19th century. The George itself is a three-storey Grade 2 listed building, roof not visible with window openings facing all four elevations.
- 8.38 Summary of the proposed alterations and refurbishment works to the adjoining listed buildings are as follows:
- The re-drawing of site boundaries to achieve clear separations between application site, the adjoining Public House and no. 2a Aylward Street vacant workshop building;
 - Works to the 3 smaller eastern flank wall windows to the Public House;
 - No works to the two larger windows serving habitable rooms on the 1st and 2nd floors of Public House;
 - Works to the centre window on the flank wall of Public House would still allow ventilation and light via the proposed light well;
 - Projecting piers and chimneys to be removed;
 - Removal of roof access door from rear of workshop building at 2a Aylward Street;
 - Removal and brick-up of 3 windows at 1st floor on the south facing at 2a Aylward Street;
 - Removal of the attached chimney flue to rear of 2a Aylward Street;
 - The opening up and insertion of 3 windows (traditional timber sash windows) at 1st floor level on the northern elevation at 2a Aylward Street.
- 8.39 The applicant's intention is that the above listed alterations and refurbishment works would enable the adjoining George Tavern Public House and 2a Aylward Street buildings to be serviced independently of the application site.
- 8.40 However, the proposed alterations works and its impact on adjoining listed buildings have been considered by the Council's Conservation Officer and the following detrimental impact has been established namely that the alterations works would not preserve the special architectural and historic interest of the listed buildings and would be detrimental to the setting of the Commercial Road Conservation Area for the following reasons.
- 8.41 The site comprising the George Tavern (main building) and the extension building behind at no. 2 Aylward Street have been one property for hundreds of years. For many of these years the area occupied by the application site (the former Stepney's Nightclub) was also a part of this same piece of land. The unified site which includes Aylward Street extension has always been joined to the main building, the cellar is only accessed from it, the ground floor toilets of the main building are included within the extension and the first floor of the main building is only accessed through the extension, this integrals internal arrangement should remain.
- 8.42 The re-drawing of site boundary as proposed can not be translated in a practical division nor appropriate given the listed status of these buildings as the proposed works will not retain the original plan form of these listed buildings contrary to Council's policies and requirements of PPG15 Guidance Note.

8.43 There are also a number of other elements of the proposals that are less respectful of the listed buildings, namely:

a) The proposed works to the adjoining Grade 2 listed buildings as detailed in the submitted Design and Access Statement, consisting of works to remove the chimney breasts, the blocking-up of doors and windows, the loss of original windows openings at the George Tavern and at no.2 Aylward Street rear property all involve irreversible work to the original external and interior fabric of the listed buildings;

b) The removal of the chimney breast from the south wall of the Aylward Street elevation is unnecessary, it is a part of the historic fabric, is of interest and should remain;

c) If built as proposed, the new north wall against the Aylward Street building would render the re-use of these existing windows impossible, and would remove the chimney attached to the listed building;

d) It is considered that the width of the space between the Aylward Street building and the proposal development at rear should be at least three (3) metres to allow the original ground floor windows to operate successfully;

e) The proposed light well will retain limited light for most of the windows in its proximity, however, the loss of any window is to be avoided as these original windows form part of the fabric of the listed buildings;

f) It is not reasonable or necessary to propose the removal of the small buttress as it forms part of the listed building, it is not therefore appropriate to remove it, its removal would be contrary to paragraphs 3.12 and 3.13 of PPG15, which seek to prevent the destructiveness of a building's special and historic interest.

Highway Safety, Servicing and Refuse Provision.

8.44 Saved UDP policy T16 provides that development proposals should be considered against the traffic that is likely to be generated.

8.45 Policy DEV17 – Transport Assessment of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007) reinforced the above UDP policy T16 traffic criteria with additional policy statement that all development is required to include adequate space for servicing and appropriate circulation routes.

8.46 The application site is along a Red Route under the management of Transport for London (TfL). The site has a Public Transport Accessibility rate of 3. There are good pedestrian links to a number of public transport modes. The nearest bus stops to the site are located directly opposite on the west bound and on the east bound about 20 metres away from the site itself.

8.47 Following consultation, concerns have been raised by TfL on the transport grounds as shown and detailed in paragraphs 6.7 to 6.11 of this report.

8.48 Transport for London's (TfL) objection to the proposal as detailed above is supported by the Council's Officers for the following reasons.

8.49 Servicing the proposal off Commercial Road is not satisfactory or appropriate in planning terms, moreover the servicing of new developments should not be from the public highway such as the A13 Commercial Road network.

8.50 The proposed refuse strategy arrangement by the applicant entailed that refuse facilities for the proposed 11 flats will be in the form of 4no. 360litre Eurobins for non-recyclables and 2no. 360litre Eurobins for recyclables. These bins would be located within the bin-store as shown on drawing number PL60A. On collection days the refuse vehicle would make use of

the nearest and existing bus stop on Commercial Road, which is within 20 metres of the bin store as shown on submitted sketch appendix A. This arrangement is not satisfactory as a planning condition can not be imposed to ensure that all future refuse vehicle makes use of the existing bus stop on Commercial Road on collection days as suggested.

- 8.51 In addition, the disposal of domestic refuse and its collection point 20 metres away at the proposed bus stop collection point is not ideal, nor adequate and convenient, as this would create an obstruction to traffic and impede the smooth operation of the London Buses. (See comments from TfL paragraphs 6.7 to 6.11 of this report). Therefore the position of bins store provision off Commercial Road is not satisfactory. It is also considered that the proposed servicing arrangement would be unduly inconvenient and unacceptably onerous on the Council's cleansing staff.
- 8.52 As such the location of the refuse storage area is considered inconvenient, impractical and not satisfactory contrary to UDP policy T16 operational requirements for proposed use, policies DEV15 and DEV17 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all development proposals includes adequate space for servicing and appropriate collection arrangements.

Security and Safety Design.

- 8.53 In accordance with saved policy DEV1 of the UDP 1998 and DEV4 of the Interim Planning Guidance, requires all development to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.54 The Metropolitan Police have raised a number of design issues with the scheme regarding the safety and security of the development. As these issues appear to be more detailed design matters, it is suggested that the development can be conditioned appropriately to consider secured by design principles in consultation with the Metropolitan Police and the Design and Conservation Department for an approved scheme.

Other Planning Matters.

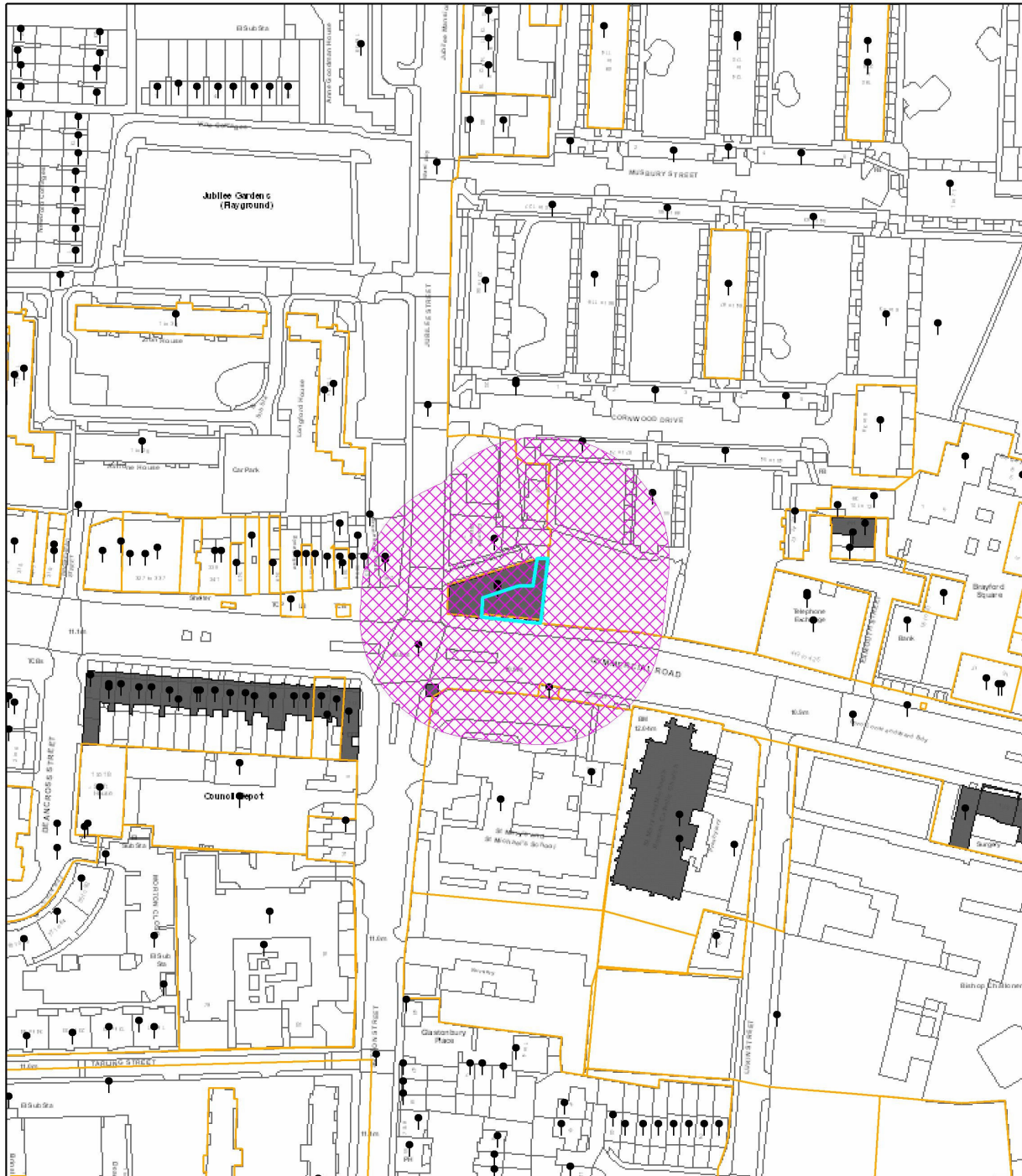
- 8.55 The owner of the adjoining property to the west of the application site has suggested during a site-visit (8th May 2008) that they may seek to construct an enclosure over the beer garden in Aylward Street in the future.
- 8.56 OFFICER COMMENT: This is not an issue that the Council can give any weight to given that no planning application for consideration has been lodged for this future intended proposal and no existing unimplemented planning permission exists for such an enclosure. As such no further regard will be given to this matter raised during officer's recent visit.
- 8.57 Recently, an application to upgrade the George Tavern Public House and no. 2 Aylward Street buildings was made. The Secretary of State, after consulting with English Heritage, the Government's statutory adviser, has decided not to upgrade the buildings.
- 8.58 OFFICER COMMENT: The statutory list of buildings of special architectural or historic interest of the Borough will be updated as a result of the principal reasons given in paragraph 8.67 regarding the above listed buildings remaining at Grade II.

Conclusions

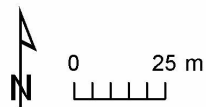
- 8.59 All other relevant policies and considerations have been taken into account. Planning

permission, conservation area consent and listed building consent should be REFUSED for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the reasons as set out in the RECOMMENDATION at paragraph three of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568